

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Case No. 14-20529

Plaintiff,

Hon. Linda V. Parker

-VS-

HERBERT T. FELTON JR.,

Defendant.

**MOTION FOR PSYCHOLOGICAL EXAMINATION
TO DETERMINE DEFENDANT'S COMPETENCY TO STAND TRIAL**

1. On June 5, 2014, defendant Herbert Felton was charged in a complaint with Transportation of Minor with Intent to Engage in Criminal Sexual Activity, 18 USC 2423(a). Defendant appeared in court on June 6, 2014 and at that time a detention hearing was set for June 10, 2014. On that date, Mr. Felton consented to detention and a preliminary examination was set for June 20, 2014. On June 20, 2014, Mr. Felton waived a preliminary examination. He was indicted on September 3, 2014 and several continuances were granted until Judith Gracey, Mr. Felton's first lawyer, was permitted to withdraw.

2. During the undersigned's representation of Mr. Felton, he has refused to discuss the case with her. During their meeting on October 23, 2015, he indicated

that he had already entered a guilty plea and refused to discuss trial. The undersigned has serious reservations about his competency to stand trial.

3. Based on the difficulty that defense counsel has had communicating with Mr. Felton, and his representation that he has already entered a guilty plea when, in fact, he has not and is awaiting trial, she believes that reasonable cause exists to believe that defendant may be suffering from a mental disease or defect that has rendered him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense, pursuant to 18 USC 4241(a). For these reasons, she requests a court order that:

(1) Defendant be examined by the Bureau of Prisons, at the soonest mutually convenient time, for the purpose of determining defendant's competency to stand trial;

(2) A report be prepared and submitted to this Court, with copies provided to counsel for defendant and the government, so that a hearing may be conducted pursuant to 18 USC 4247(d) to determine his competency to stand trial. The report should include:

- a. defendant's history and present symptoms, if any;
- b. a description of the psychiatric, psychological or medical tests

that were employed and their results;

- c. the examiner's findings as to competency to proceed, as well as the examiner's opinions as to diagnosis and prognosis; and
- d. a determination as to whether defendant presently suffers from a mental disease or defect that renders him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

(3) The time period associated with this determination, from the filing of this motion, through and including the date on which a final determination is made regarding defendant's competency to stand trial, shall be excluded under the Speedy Trial Act pursuant to the terms of 18 U.S.C. § 3161(h)(1)(A).

Respectfully submitted,

s/Joan Ellerbusch Morgan
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CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2015, I electronically filed this document, using the ECF system, which will send notification of such filing to Assistant U.S. Attorney Nancy Abraham.

s/Joan Ellerbusch Morgan